

AN ORDINANCE

03- ○ -0680

BY



AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN THE SUMMERHILL NEIGHBORHOOD IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$225,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AMENDING THE 2001 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) BUDGET BY TRANSFERRING APPROPRIATIONS IN THE AMOUNT OF \$225,000 FROM AND TO VARIOUS ACCOUNTS; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

WHEREAS, a parcel of land in the Summerhill neighborhood ("the Property") is being offered for sale; and

WHEREAS, the site is currently used by the neighborhood as a public greenspace; and

WHEREAS, Ordinance 01-O-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, identified the Mechanicsville/Peoplestown/Summerhill Parks & Open Space as a Phase II greenspace funding priority project area; and

WHEREAS, the neighborhood has agreed to adopt the site for maintenance purposes through Park Pride's "Adopt-A-Park" program.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Chief Financial Officer transfer funds from and to various project accounts as follows:

Transfer From:

1B02-771001-Y63U0211KTC0	DNR Georgia Greenspace Program Fulton County Capital Expenses	\$225,000
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Transfer To:

1B02-771001-Y63U0110KTC0	Mechanicsville/ Peoplestown/ Summerhill Parks & Open Space	\$225,000
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SECTION 2: That the Mayor or her designee is hereby authorized to negotiate with the property owner to purchase, trade, or transfer real property, PIN 151 and 171, located at the corner of Connally Street and Fulton Street, as shown and described in the attached Exhibit.

SECTION 3: That fund, account, and center number 1B02-771001-Y63U0110KTC0, Mechanicsville/ Peoplestown/ Summerhill Parks & Open Space, is to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source, in an amount not to exceed \$225,000.

SECTION 4: That consultant services for acquisition of the properties shall be charged to and paid from fund account center 1C28 771001 Y63D****39991 in an amount not to exceed \$3,620.

SECTION 5: That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation based thereon to be offered the property owner.

SECTION 6: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

SECTION 7: That the City's Consultant is authorized to settle those acquisitions of property at an amount authorized by the Chief Procurement Officer. The Mayor or her designee is authorized to administratively settle with appropriate supportive documentation. Those acquisitions which (1) exceed the authorization of or (2) require action for recommended condemnation by the Chief Procurement Officer shall require City Council approval.

SECTION 8: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 9: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 10: That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners.

SECTION 11: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 12: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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